

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Tim Bivings,)	C/A No.: 6:11-1052-JFA-KFM
)	
Plaintiff,)	
vs.)	
)	ORDER
Michael J. Astrue, Commissioner of Social)	
Security,)	
)	
Defendant.)	
_____)	

The plaintiff, Tim Bivings, brings this action pursuant to § 205(g) of the Social Security Act, as amended, to obtain judicial review of the final decision by the Commissioner of Social Security denying his claims for supplemental security income (SSI) and disability insurance benefits (DIB).

The Magistrate Judge assigned to this action¹ has prepared a Report and Recommendation wherein he suggests that the Commissioner's motion to remand for further administrative proceedings should be granted. The plaintiff has not opposed this motion. The Magistrate Judge provides a detailed discussion of the undisputed and relevant medical evidence and the standards of law which this court incorporates without a recitation.

The parties were advised of their right to submit objections to the Report and

¹ The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

Recommendation which was filed on April 5, 2012. Neither party has filed objections to the Report.

The court has carefully reviewed the record and finds the recommendation of the Magistrate Judge to be proper. It is therefore ordered that the Report is incorporated herein and that the decision of the Commissioner of Social Security denying benefits in this case is reversed and remanded for further proceedings as set forth in the Report and Recommendation.

IT IS SO ORDERED.

April 20, 2012
Columbia, South Carolina

A handwritten signature in black ink, reading "Joseph F. Anderson, Jr." in a cursive script.

Joseph F. Anderson, Jr.
United States District Judge